

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-16-03
SUBDIVISION #293
MAY 19, 2016

A report to the Flathead County Planning Board and Board of Commissioners regarding a request for preliminary plat approval of Subdivision #293, a major subdivision that would create 2 lots. Located approximately 1/4 mile northeast of the East Reserve and Helena Flats Road intersection, the subject property is located at 629 Alpine Lane.

The Planning Board will hold a public hearing in the Earl Bennett Building conference room at 1035 First Avenue West, Kalispell on June 8, 2016 to review the proposal and make a recommendation to the Flathead County Commission. Final action on this proposal by the governing body must be taken prior to the review deadline of July 17, 2016. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located in the Earl Bennett Building at 1035 First Avenue West, Kalispell, Montana.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposal is not located within the advisory area of a Land Use Advisory Council.

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on June 8, 2016 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to July 17, 2016 which is the end of the 60 working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

II. GENERAL INFORMATION

A. Project Personnel

i. Developer/Technical Representative

Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

ii. Owner

James Ruggles
629 Alpine Lane
Kalispell, MT 59901

iii. Applicant
Albert Clarke
629 Alpine Lane
Kalispell, MT 59901

Albert Clarke
629 Alpine Lane
Kalispell, MT 59901

B. Project Description

The request is for preliminary plat approval of Subdivision 293, a 2 lot subdivision located at 629 Alpine Lane. The proposed subdivision would create 1 additional single-family residential lot located on Alpine Lane. One lot would be served by Evergreen Water and one lot would utilize an existing well while both lots will be served by individual wastewater treatment systems. Primary access to the lots would be from Alpine Lane. The property is currently zoned R-1 and will be rezoned to R-2 as a condition of approval.

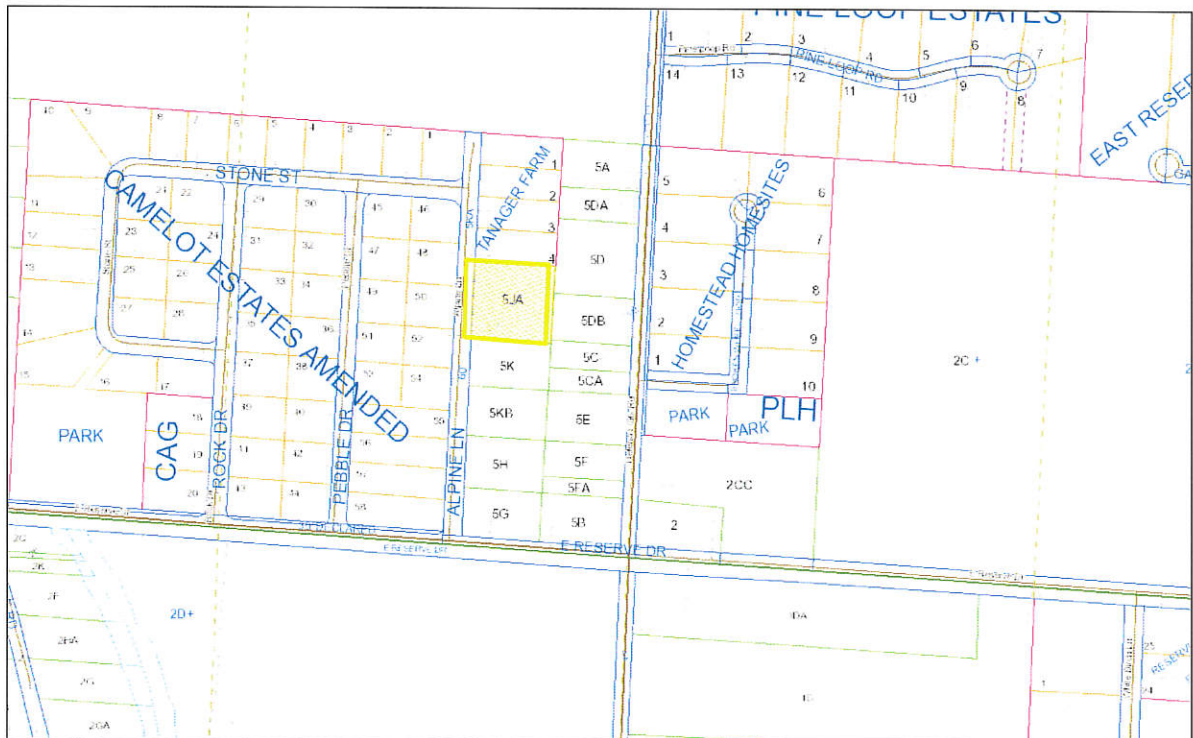
C. Legal Description of Subject Property

The property can be legally described as Assessor's Tract 5JA located in Section 27 Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

D. Detailed Location

Situated approximately 3 miles northeast of Kalispell, the subject property is located at 629 Alpine Lane adjacent to the Camelot Estates subdivision (Figure 1).

Figure 1- Subject property (highlighted yellow) and vicinity



E. Subdivision Layout Detail

- | | |
|-------------------------------|------------|
| i. Total Subdivision Acreage: | 1.50 acres |
| ii. Acreage in Lots: | 1.50acres |
| iii. Acreage in Roads: | 0 acres |

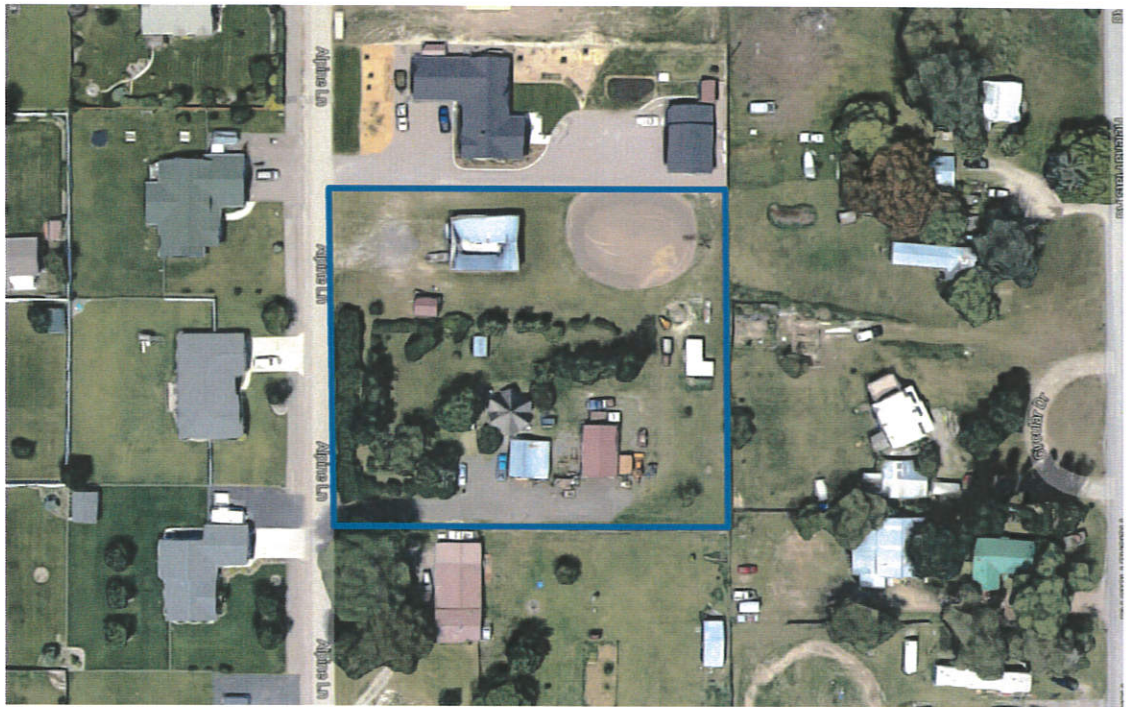
iv. Total Park/Common Area/Open Space Acreage	0 net acres
v. Minimum Lot Size	0.609 acres
vi. Maximum Lot Size	.0891 acres
vii. Overall Gross Lot Density:	1 unit per 0.75 acres

F. Administrative Characteristics

i. Current Land Use

The subject property is currently developed with a single family dwelling, garage, two shop buildings and a variety of sheds. According to Montana Cadastral Property Record Card, the house and sheds have been on the property since 1970-1980s. No information was made available about when the large shop was constructed. The lot currently has a driveway accessing the northernmost shop and a driveway at the southwestern property line.

Figure 2 - Current land use and land cover (subject property shown blue)



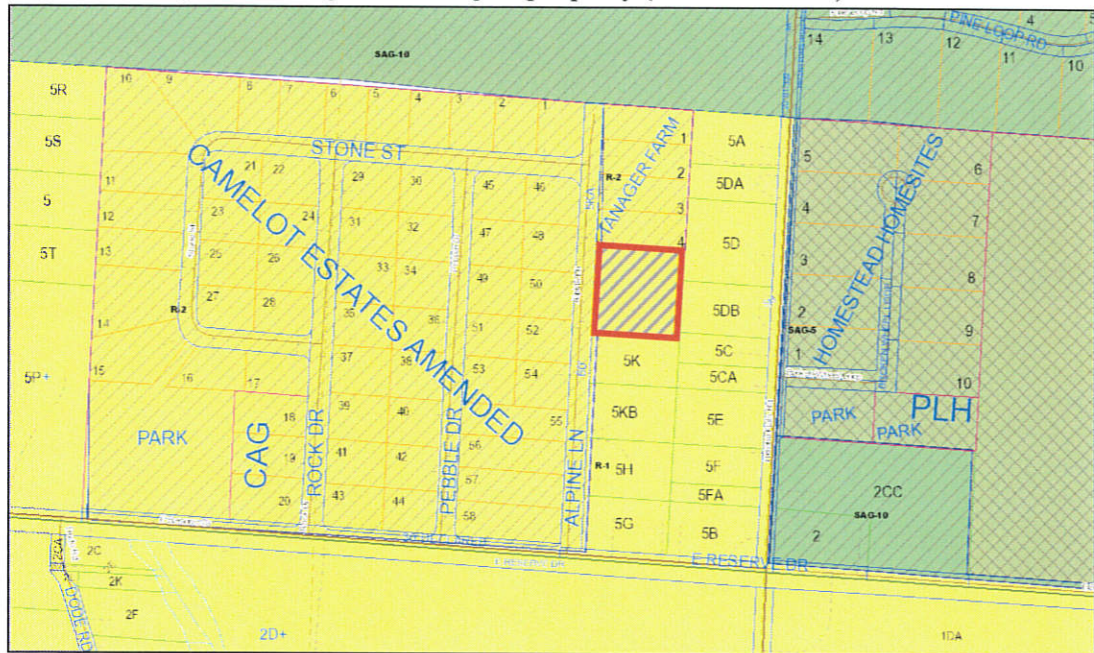
ii. Current Zoning

The subject property is currently zoned 'R-1' with a minimum lot size of 1 acre. 'R-1 Suburban Residential' is defined as a "*district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, typically not served by water or sewer services, or in areas where it is desirable to permit only low-density development.*" In order to divide the property, the applicant is going through a zone change process in order to rezone the property to 'R-2 One Family Limited Residential'. 'R-2 One Family Limited Residential' is defined as a "*district to provide for large-tract residential development. These areas will typically be found in suburban areas, generally served by either sewer or water lines.*" The minimum lot size in the R-2 zoning designation is 20,000 square feet which the two lots will meet. However, by

Figure 3: Current zoning applicable to subject property (outlined in red)



Figure 4: Proposed zoning on the subject property (outlined in red)



iii. Proposed Land Use

The proposed Subdivision #293 would create a 2-lot residential subdivision which would utilize the existing house on the southern lot and a proposed new dwelling and shop on the northern lot.

G. Area Characteristics

i. Description of Area Surrounding Proposed Subdivision

Located approximately 650 feet north of East Evergreen Drive, the subject property is located within a residential neighborhood. Camelot Estates is a major subdivision with 58 lots that was approved in 1996 and borders the subject property. While the area primarily consists of suburban residential lots, a few large acre open lots exist within ½ miles.

ii. Zoning

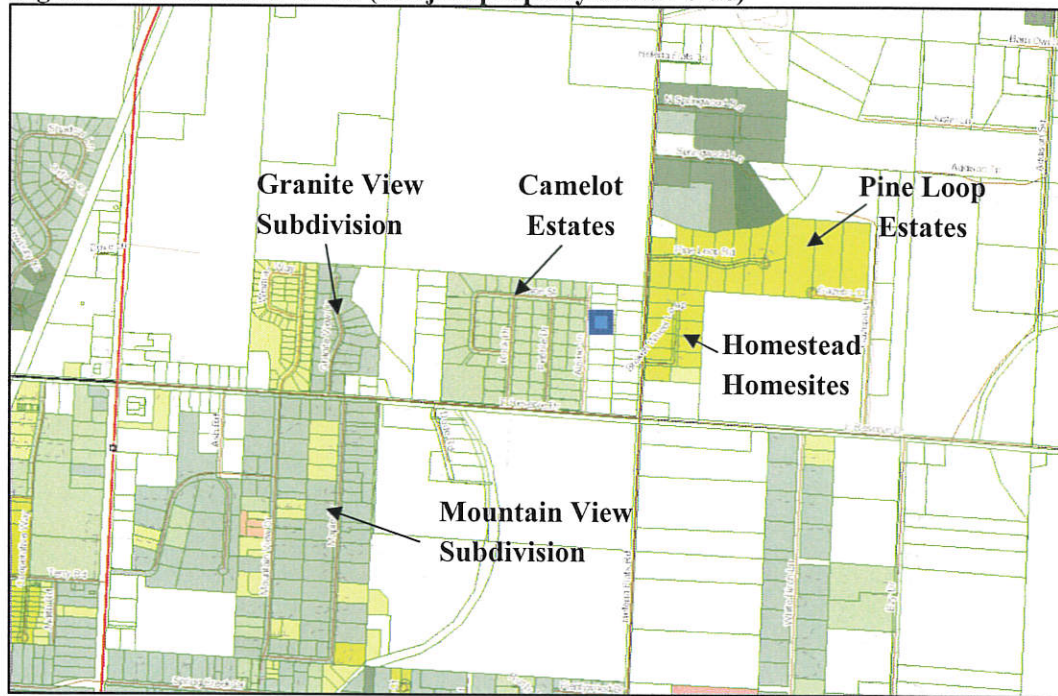
As mentioned above, the subject property is currently zoned R-1 but the applicants are requesting a zone change to R-2 in order to subdivide the property as proposed. Property to the north and west of the lot are zoned R-2 while adjoining property to the south and east are zoned R-1 (Figure 4).

iii. Land Uses

The subject property is located with an area of Flathead County primarily characterized by suburban residential development. Some small-scale agricultural lots exist within the vicinity also.

iv. Previously Considered Subdivisions in Area

Figure 5 - Area subdivisions (Subject property shown blue)



As shown in Figure 4 above, the subject property is located within close proximity to a variety of residential subdivisions. Camelot Estates is a 58 acres subdivision located immediately west of the property and shares access along Alpine Lane. Homestead Homesites, Pine Loop Estates, Mountain View Subdivision, and Granite View Subdivision are a few of the closest major residential subdivisions. The area also contains a variety of parcels created through deed or COS, including the subject property which was created via Family Transfer (MCA 76-3-207(1)(b) in 1988.

H. Utilities and Services

- i. Water**
Evergreen Water (Lot 1), Individual well (Lot 2)
- ii. Wastewater**
Individual Wastewater Treatment systems
- iii. Solid Waste**
Contract Haul- Evergreen Disposal
- iv. School District(s)**
Helena Flats School District, Flathead High School
- v. Fire District(s)**
Evergreen Fire District
- vi. Police**
Flathead County Sheriff's Department

III. COMMENTS RECEIVED

A. Agency Comments

The subdivision file contains a copy of the agency referral document sent on April 27, 2016. As of the date of completion of this staff report, the following comments have been received:

- Dave Prunty, Flathead County Road and Bridge Department
 - o Comment: “ At this point the Department does not have any comments on this request.”
- Julie Weber, Bonneville Power Administration
 - o Comment: “In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time.”
- Marc Pitman, DNRC
 - o Comment: “Water rights: As stated by the Applicant the existing home on Lot 2 has an existing water right, groundwater certificate 76LJ 36894-00 for the existing individual well serving that lot. The Evergreen CWSD will provide water to Lot 1. The proposed subdivision appears to meet the requirements of the Montana Water Use Act.
 - o Floodplain: The property is located in a Zone X 0.5% floodplain Flathead River and Spring Creek. The proposed subdivision appears to meet the requirements of the Montana Floodplain Act.”
- Roberta Struck, Flathead County Water and Sewer District #1- Evergreen
 - o Comment: “We have no objections to this. The District’s water is currently available and the sewer is not nor will be in the foreseeable future.”
- Wendee Jacobs, Flathead Environmental Health Services
 - o Comment: “The proposed subdivision would require re-review of the Lots under the Sanitation in Subdivisions Act (Title 76, Chapter 4, Part 1).
- James Chilton, Flathead County Solid Waste District
 - o Comment: “The District requests that all new subdivision use private hauler to bring solid waste to the landfill. The outlying green box sites should not be used as the primary method of solid waste disposal. Evergreen Disposal is the (PSC) Public Service Commission licensed hauler in this area. After reviewing the project summary, I believe that solid waste management is being followed properly.”
- Kenneth Breidinger and Jessy Coltrane, MT Fish, Wildlife, and Parks
 - o Comment: “Montana Fish, Wildlife and Parks has no comment with regard to the above-referenced subdivision.”

B. Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on May 20, 2016, legal notice was published in the Daily Interlake on May 22, 2016, and notice of the proposal and public hearing was physically posted onsite on May 25, 2016.

As of the date of the completion of this staff report, no public comments have been received from the general public regarding the proposal.

Any written public comment received after May 25, 2016 will be summarized verbally and entered into the public record during the Planning Board hearing on June 8, 2016. Anyone wishing to provide verbal public comment may do so in person at the June 8, 2016 Planning Board hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed.

i. Impact on Agriculture

The 1.5 acre subject property has not been used for agricultural production within the past decade and would have no additional impact on agriculture as at most only one dwelling will be constructed on the 1.50 acre lot. The Environmental Assessment indicates that “this property has been developed as a residential use since the 1960’s.” Additionally, the surrounding property has been developed as a suburban residential neighborhood and the division of the subject parcel would not impact area agriculture.

Finding #1 – There would be no impact on agriculture as the subject property has not been used for agricultural production since the lot was developed in the 1960’s and the division of the lot would not impact area agriculture as the surrounding property is characterized by suburban residential land use.

ii. Impact on Agricultural Water User Facilities

As indicated in the submitted Environmental Assessment, the subject property is not developed with irrigation infrastructure, is not in an irrigation district or party to any irrigation agreements, and serves no irrigation water to adjacent or neighboring properties.

Finding #2- There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any apparent existing irrigation agreements.

iii. Impact on Local Services

1. Water and Wastewater

The application indicates that Lot 1 will be connected to Evergreen Water, Lot 2 will continue to utilize the existing well, and both lots will use individual wastewater treatment systems. The applicant notes in the Environmental Assessment that Lot 2 may connect to Evergreen Water if the DEQ review requires this. Roberta Struck with the Flathead County Water and Sewer District #1- Evergreen notes “the District’s water is currently available and the sewer is not nor will be in the foreseeable future.” The application includes a “Will Serve” letter dated March 31, 2016. Additionally, Marc Pitman of DNRC confirmed that the property has a water right for the existing well that serves the dwelling.

According to the water and wastewater MDEQ information prepared by Environmental Consulting, the existing wastewater treatment system is located

entirely within proposed Lot 2 and it appears sufficient room, soil quality and appropriate depth to water table exists for a septic system and drainfield to be located on Lot 1. Water and wastewater services for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality. Minimal impacts to existing private or public water/wastewater services are anticipated to be introduced by the proposed subdivision.

Finding #3 - The water supply and wastewater management for the proposed subdivision appears to be acceptable with the imposition of conditions because Lot 1 will be connected to Evergreen Water, Lot 2 will continue to utilize the existing well, and both lots will use individual wastewater treatment systems, a "Will Serve" letter has been provided with the application, and both the water and wastewater system will be required to be reviewed and permitted by the Montana Department of Environmental Quality as applicable.

2. Schools

The proposal is within the boundaries of the Helena Flats School District for K-8 and Flathead High School. It is anticipated that the 1 additional student which may potentially reside in the 2-lot subdivision may be served without introducing significant impacts to the school district. The Helena Flats and Flathead School Districts were contacted for comment regarding this proposal, however no response has been received at the time this staff report was written.

3. Mail Delivery

The subject property currently has two individual mailboxes for the subject property. While the second mailbox serves 429 ½ Alpine Lane, a new address will be provided for the new lot. The proposal for mail delivery appears reasonable and the location of the individual mailboxes serving the subdivision should require written approval from the local postmaster as a condition of final plat approval.

4. Recreation

The subject property is served by a variety of recreational facilities as the proposed subdivision is located within 1/3 miles of a County park located on East Reserve Drive and is within approximately 1 mile from Flathead River for water recreation. As only one additional residential lot would be created as a result of the proposed subdivision, pursuant to Section 4.7.24(a)(iv) FCSR, parkland is not required.

Finding #4- Impacts on local services will be acceptable with the imposition of standard conditions because the proposed subdivision would have minimal impact on local schools, mail delivery appears to be appropriate as it currently exists to serve two lots, and no recreational facilities are required for subdivisions creating one additional lot.

5. Roads

Primary access to the subdivision exists via Alpine Lane, a paved local County road within a 60' right-of-way. Direct access to each lot currently exists as a gravel driveway is located along the southwest corner of the lot to access the dwelling on the proposed Lot 2 and another driveway to the larger shop on the north half of the property. The location of both driveways appears to be compliant with regard to

location and size per the Flathead County Subdivision Regulations. Because Alpine Lane is a County roadway, taxes pay for the upkeep and maintenance of this roadway.

Finding #5- The road system appears to be acceptable with the imposition of standard conditions as the primary access would be from Alpine Lane, a paved local road within an appropriate right of way, each lot has legal and physical access via individual driveways, and road maintenance is provided by Flathead County.

6. Fire/Emergency Medical Services

The proposed subdivision is located within the Evergreen Fire District, with the main fire station providing Advanced and Basic Life Support services located on Highway 2 approximately 2 road miles from the subject property. It is not anticipated the proposed two-lot subdivision would overburden the district as the site is within an acceptable distance to the fire station and all lots have level access to each home site. Ground ambulance service would be available to serve the proposed subdivision, as well as ALERT service by the Kalispell Regional Medical Center (KRMC).

7. Police Services

The property is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff. Although solicited, the Sheriff's Department has provided no comment. Given existing staffing levels, the size of the County and the dispersed nature of the population, service to this subdivision is anticipated to be consistent with other unincorporated areas of Flathead County.

8. Solid Waste Disposal

The applicant has indicated the use of contract haul as the planned method of solid waste disposal which is consistent with the Flathead County Solid Waste District's request that all new subdivisions in Flathead County use a contract hauler to bring solid waste to the landfill. Evergreen Disposal is the (PSC) Public Service Commission licensed hauler in this area. Pursuant to Section 4.7.22 FCSR the applicant should be required to meet the requirements of the Flathead County Solid Waste District.

9. Other Utilities

As illustrated on the preliminary plat, overhead power line is located along the eastern side of the subject property. While utilities for both lots are currently installed, any new utilities installed in the future shall be extended underground in compliance with Section 4.7.23 FCSR.

Finding #6- Impacts on local services would be acceptable with the imposition of standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management, would be served within an acceptable response time by the Evergreen Fire District and Flathead County Sheriff's Department in the event of an emergency, and utilities are already existing underground in conformance with the applicable regulations.

iv. Impact on the Natural Environment

1. Water Quality

There is no surface water or indication of shallow ground water present on the subject property. Wastewater from both proposed lots will be managed by the one new and

one existing septic system. According to Environmental Assessment and MDEQ submittal, sufficient room exists for a replacement area for a new drainfield on Lot 1. The application includes a draft Stormwater Management Plan indicating stormwater runoff would be managed on-site through the existing roadside drainage ditch and retention swales to provide for absorption and evaporation. Minimal additional stormwater runoff is expected with this subdivision as only one new dwelling is expected to be developed on Lot 1. The proposed water supply, sanitation, and stormwater drainage for both lots would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality as applicable prior to final plat approval.

Finding #7- Adverse impacts to water quality as a result of the subdivision are not anticipated because the lots would use an existing and proposed septic system, there is no surface water or shallow ground water present on the subject property, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana department of Environmental Quality.

2. Air Quality

Lasting impacts to air quality are not anticipated as a result of the subdivision because the lots are currently developed and will be accessed by a paved road. However, the applicant has submitted a Dust Abatement Plan compliant with Section 4.7.14 FCSR when a dwelling is constructed on Lot 1. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities, if any.

3. Impact of Noise

It is estimated that the development of the subdivision would generate minimal noise during construction of a residential structure on Lot 1. The proposed residential use on the lots is not anticipated to generate permanent continuous impacting noise to area residents or wildlife.

Finding #8- Adverse impacts to air quality and of noise are anticipated to be acceptable with the imposition of standard conditions as all roads accessing the subdivision are already paved, a Dust Abatement Plan was provided to mitigate potential issues of dust when a dwelling is constructed on Lot 1 and impacts of noise are not expected to be out of the ordinary for a residential neighborhood except potential construction related noise.

4. Impact to Flora

The subject property is located within a developed part of Flathead County and vegetation in the area consists of groomed landscaping and lawn. There are no wetlands, forests, or riparian vegetation on the lot or in direct vicinity. The preliminary plat indicates hedges and bushes exist along the east boundary line and along the proposed boundary line between Lot 1 and 2. This vegetation is expected to be maintained as a buffer between the two proposed lots.

Pursuant to Section 4.7.25 FCSR the applicant would be required to develop and implement a weed management plan approved by the Flathead County Weed Board prior to final plat approval.

5. Impact to Floodplain

According to FEMA FIRM Panel 30029C1810J, the subject property is designated as unshaded Zone X with no Special Flood Hazard Area. Impact to floodplain is anticipated to be minimal because the property is located in outside of the 1% annual chance flood area (Zone A 100-year floodplain).

6. Impact to Riparian/Wetland Areas

No riparian or wetland areas occur on the subject property, however Spring Creek exists approximately 1500 feet to the north of the property. No impacts to the wetlands/riparian areas are expected as minimal improvements are anticipated with the proposal and the existing riparian and wetland areas are some distance from the lots.

7. Impact to Historical Features

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property.

Finding #9- No new impacts to the natural environment are anticipated as the subject property contains no forested, floodplain, or riparian areas on site, the lots contains only groomed landscaping and lawn, and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

v. Impact on Wildlife

Given the proximity of the lot to suburban and urban development, impacts to wildlife are expected to be minimal. According to a search of the Montana Natural Heritage Program, 8 Species of Concern exist within the boundaries of Township 29N, Range 21W. These include the Hoary Bat, Little Brown Myotis, Great Blue Heron, Westslope Cutthroat Trout, Pygmy Whitefish, Bull Trout, Hooked Snowfly, and Alberta Snowfly. Because there are no water bodies on or directly adjacent to the subject property, no impacts to fish Species of Concern are expected. Additionally, the habitat preference for the Hoary Bat and Great Blue Heron is riparian forest and both stonefly species prefer alpine/mountainous streams which do not exist on the lot.

vi. Impact on Wildlife Habitat

As previously described, the subject property is almost entirely developed and located with a suburban/urban neighborhood. The lot is currently developed with groomed landscaping and lawn and fenced on all sides. Montana Fish, Wildlife and Parks has mapped this area as Level 1 crucial area habitat on the Crucial Area Planning System, however it appears that this ranking is associated with the proximity to the Flathead River and Spring Creek and does not take into consideration the existing land use. Because the majority of the Species of Concern within the area have habitats not found on the subject property it is anticipated that impact on wildlife habitat will be minimal.

Finding #10- Impacts to wildlife and wildlife habitat are anticipated to be minimal and acceptable as the area contains only 8 Species of Concern and all by one species has a habitat not found on the subject property, the majority of the lot is already developed and the property is fenced on all sides.

vii. Impact on Public Health and Safety

1. Flood Risk

The subject property has no streams, wetlands or lakes on site, and according to FEMA FIRM Panel 30029C1810J, the subject property is designated as unshaded Zone X with no Special Flood Hazard Area. Impact to floodplain is anticipated to be minimal because the property is located outside of the 1% annual chance flood area (Zone A 100-year floodplain).

Finding #11- The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters on site, and according to FEMA FIRM Panel 30029C1810J, the subject property is located outside of the 1% annual chance flood area.

2. Water and Wastewater Treatment

As mentioned above, the proposed lots will be served by an existing well and septic system on Lot 2 and Evergreen Water and individual septic system on Lot 1. The applicant notes in the Environmental Assessment that Lot 2 may connect to Evergreen Water if the DEQ review requires this. Roberta Struck with the Flathead County Water and Sewer District #1- Evergreen notes “the District’s water is currently available and the sewer is not nor will be in the foreseeable future.” The application includes a “Will Serve” letter dated March 31, 2016. Additionally, Marc Pitman of DNRC confirmed that the property has a water right for the existing well that serves the dwelling. Because the only additional development expected on the subject property is a dwelling on Lot 1, impact on public health and safety with regard to water and wastewater treatment is expected to be minimal because one additional dwelling will not exceed capacity of the Evergreen Water system and a septic permit would be required before installation of a new system. The proposed water supply, sanitation, and stormwater drainage for both lots would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality as applicable prior to final plat approval.

3. Stormwater

The submitted application includes a conceptual plan for the management of stormwater. Because proposed Lot 2 is fully developed, the diagram developed by Environmental Consulting has only proposed a retention basin on Lot 1 to accommodate additional runoff from the 40’X40’ building site. A vegetated roadside swale along Alpine Lane currently exists to allow stormwater from the current developed lot to be collected and absorbed thus preventing direct discharge onto roads or adjoining properties. The proposed stormwater management plan would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, as applicable, prior to final plat approval.

Finding #12- The effects of this proposed subdivision on public health and safety in regard to the proposal for water, wastewater treatment, and stormwater management is acceptable with the imposition of conditions because Lot 2 would utilize existing well and septic system, Lot 1 would utilize Evergreen Water and a new septic system, Flathead County Water and Sewer District #1- Evergreen has indicated that it has the capacity and will serve the proposed subdivision, and the wastewater treatment systems and stormwater management plan would be required to be reviewed and approved as

applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

4. Traffic Safety

Primary access to the proposed subdivision would be from Alpine Lane which is a paved local subdivision road. Each lot has individual level, gravel driveways. While Alpine Lane is a dead end road and no cul-de-sac exists for turn around, Alpine Lane connects to Stone Street and Pebble Drive to provide sufficient room for emergency vehicles to get to the subject property safely. Because of the slow traffic speeds and cleared view sheds at the intersection of Alpine Lane and Stone Street, it appears that there is sufficient and safe access for vehicles traveling along Alpine Drive. The roadway is currently maintained by Flathead County as Alpine Lane is a County road. Comments from the Flathead County Road and Bridge Department indicate no issues with the proposal.

Finding #13- Impacts of the proposed subdivision on the area road network appear to be acceptable because adequate legal and physical access exists to the subdivision via Alpine Lane, a paved, County road; lots are accessed via individual driveways; and sufficient roadways exist for emergency vehicles and general traffic to access the subject property and turn around.

5. High Voltage Electric Lines/High Pressure Gas Lines

There appear to be no high voltage electric lines or high pressure gas lines traversing the subject property or in the immediate vicinity of the proposed subdivision.

6. Fire and Emergency Services

The proposed subdivision is located within the Evergreen Fire District, with the main fire station providing Advanced and Basic Life Support services located along Highway 2 approximately 2 miles from the subject property. It is not anticipated the proposed two-lot subdivision would overburden the district as the site is relatively close to the fire station and each lot has already been developed and currently served by the Fire District. Ground ambulance service would be available to serve the proposed subdivision, as well as ALERT service by the Kalispell Regional Medical Center (KRMCC). The Environmental Assessment indicates that response times for emergency fire and medical services would be approximately 4 minutes.

7. Geologic Hazards

The subject property is located in a relatively flat area of Flathead County and the Preliminary Plat indicates very little topographic change across the extent of the property. According to the Environmental Assessment submitted with the application materials, no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards is present on the subject property.

8. Avalanche Hazards

The subdivision is not located in an area of the county considered to be prone to avalanche hazards.

9. Airport Influence Areas

The subject property is not within an airport influence area.

10. Soils

As indicated in the submitted NRCS soils survey data, soils on the subject property consist of Kiwanis-Birch fine sandy loams, 0 to 5 percent slopes. According to the soil survey, this soil classification is not considered prime farmland and is “well drained” and suitable for dwellings with basements. No expansive soils, wetland soils, or soils with limitations exist on the property.

Finding #14- Minimal risks to public health and safety are anticipated with the imposition of conditions because there are no high voltage electric or high pressure gas lines on or around the subject property, there are no apparent hazards associated with geology, avalanche, or airport influence areas, and soils on the subject property appear to be appropriate to support the existing infrastructure.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #15- The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations

Finding #16- No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 1, 2014 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

D. Compliance with the Flathead County Subdivision Review Procedure

- i. Pre-application Conference Date**
February 18, 2016
- ii. Application Deadline Date (6 months from pre-application)**
August 18, 2016
- iii. Application Submittal Date**
April 4, 2016
- iv. Completeness Date**
April 7, 2016
- v. Sufficiency Date**
April 22, 2016
- vi. Agency Referral Requests Mailing Date**
April 27, 2016
- vii. Adjacent Property Notification Mailing Date**
May 20, 2016
- viii. Legal Notice Publication Date**
May 22, 2016
- ix. On-site Posting of Public Hearing Date**
May 25, 2016

Finding #17- The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

E. Provision of Easements for the Location and Installation of Planned Utilities

Finding #18- The preliminary plat identifies adequate easements on-site for utilities to serve the subdivision. All other easements associated with this subdivision shall be clearly located on the Final Plat or documentation of the easement shall be provided to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

F. Provision of Legal and Physical Access to Each Parcel

Finding #19- Alpine Lane will provide legal and physical access to the subdivision and legal and physical access to the individual lots currently exists via individual driveways.

G. Review of Applicable Plans

76-1-605(2)(b) M.C.A. states that *"A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter."* Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

i. Neighborhood Plan

The proposed Subdivision #293 is not located within a neighborhood plan area.

ii. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. The location is in an area of the county that is designated as 'Residential' on the Flathead County Designated Land Use Map. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy, and the proposal is made in general compliance with related applicable provisions of the 'R-1' and 'R-2' zoning as outlined in the Flathead County Zoning Regulations which are an implementation of the goals and policies of the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

H. Compliance with Local Zoning

The subject property is currently zoned R-1 with a minimum lot size of 1 acre. R-1 Suburban Residential is defined as a "district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, typically not served by water or sewer services, or in areas where it is desirable to permit only low-density development." In order to divide the property, the applicant is going through a zone change process in order to rezone the property to R-2 One Family Limited Residential. R-2 One Family Limited Residential is defined as a "district to provide for large-tract residential development. These areas will typically be found in suburban areas, generally served by either sewer or water lines." The minimum lot size in the R-2 zoning designation is 20,000 square feet which the two lots

will meet. However, by subdividing the property, the applicant will be placing a shop, an accessory structure in an R-2 district, on a lot without a principle structure. While the preliminary plat illustrates a 40'X40' building site, the location of this proposed principle structure would not comply with the Flathead County Zoning Regulations which notes in Section 5.01.030(2) that "No accessory structures except fences or hedges shall be constructed in any front yard." In order to comply with the zoning regulations, the applicant will need to have the zone change granted and an Administrative Conditional Use Permit for an accessory structure to be placed on a lot before a principle structure is built (FCZR Section 5.01.030(6)).

Finding #20- The proposed subdivision may be in compliance with local zoning because the lot is currently zoned R-1 but is in the process of obtaining a zone change on the lot to R-2 in order to subdivide the property and the accessory shop on Lot 1 can be brought into compliance with the Flathead County Zoning Regulations if an Administrative Conditional Use Permit (ACUP) is obtained in order to have an accessory structure before a principle structure.

V. SUMMARY OF FINDINGS

Finding #1 – There would be no impact on agriculture as the subject property has not been used for agricultural production since the lot was developed in the 1960's and the division of the lot would not impact area agriculture as the surrounding property is characterized by suburban residential land use.

Finding #2- There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any apparent existing irrigation agreements.

Finding #3 - The water supply and wastewater management for the proposed subdivision appears to be acceptable with the imposition of conditions because Lot 1 will be connected to Evergreen Water, Lot 2 will continue to utilize the existing well, and both lots will use individual wastewater treatment systems, a "Will Serve" letter has been provided with the application, and both the water and wastewater system will be required to be reviewed and permitted by the Montana Department of Environmental Quality as applicable.

Finding #4- Impacts on local services will be acceptable with the imposition of standard conditions because the proposed subdivision would have minimal impact on local schools, mail delivery appears to be appropriate as it currently exists to serve two lots, and no recreational facilities are required for subdivisions creating one additional lot.

Finding #5- The road system appears to be acceptable with the imposition of standard conditions as the primary access would be from Alpine Lane, a paved local road within an appropriate right of way, each lot has legal and physical access via individual driveways, and road maintenance is provided by Flathead County.

Finding #6- Impacts on local services would be acceptable with the imposition of standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management, would be served within an acceptable response time by the Evergreen Fire District and Flathead County Sheriff's Department in the event of an emergency, and utilities are already existing underground in conformance with the applicable regulations.

Finding #7- Adverse impacts to water quality as a result of the subdivision are not anticipated because the lots would use an existing and proposed septic system, there is no surface water or shallow ground water present on the subject property, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana department of Environmental Quality.

Finding #8- Adverse impacts to air quality and of noise are anticipated to be acceptable with the imposition of standard conditions as all roads accessing the subdivision are already paved, a Dust Abatement Plan was provided to mitigate potential issues of dust when a dwelling is constructed on Lot 1 and impacts of noise are not expected to be out of the ordinary for a residential neighborhood except potential construction related noise.

Finding #9- No new impacts to the natural environment are anticipated as the subject property contains no forested, floodplain, or riparian areas on site, the lots contains only groomed landscaping and lawn, and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

Finding #10- Impacts to wildlife and wildlife habitat are anticipated to be minimal and acceptable as the area contains only 8 Species of Concern and all by one species has a habitat not found on the subject property, the majority of the lot is already developed and the property is fenced on all sides.

Finding #11- The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters on site, and according to FEMA FIRM Panel 30029C1810J, the subject property is located outside of the 1% annual chance flood area.

Finding #12- The effects of this proposed subdivision on public health and safety in regard to the proposal for water, wastewater treatment, and stormwater management is acceptable with the imposition of conditions because Lot 2 would utilize existing well and septic system, Lot 1 would utilize Evergreen Water and a new septic system, Flathead County Water and Sewer District #1- Evergreen has indicated that it has the capacity and will serve the proposed subdivision, and the wastewater treatment systems and stormwater management plan would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

Finding #13- Impacts of the proposed subdivision on the area road network appear to be acceptable because adequate legal and physical access exists to the subdivision via Alpine Lane, a paved, County road; lots are accessed via individual driveways; and sufficient

roadways exist for emergency vehicles and general traffic to access the subject property and turn around.

Finding #14- Minimal risks to public health and safety are anticipated with the imposition of conditions because there are no high voltage electric or high pressure gas lines on or around the subject property, there are no apparent hazards associated with geology, avalanche, or airport influence areas, and soils on the subject property appear to be appropriate to support the existing infrastructure.

Finding #15- The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

Finding #16- No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 1, 2014 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

Finding #17- The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

Finding #18- The preliminary plat identifies adequate easements on-site for utilities to serve the subdivision. All other easements associated with this subdivision shall be clearly located on the Final Plat or documentation of the easement shall be provided to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

Finding #19- Alpine Lane will provide legal and physical access to the subdivision and legal and physical access to the individual lots currently exists via individual driveways.

Finding #20- The proposed subdivision may be in compliance with local zoning because the lot is currently zoned R-1 but is in the process of obtaining a zone change on the lot to R-2 in order to subdivide the property and the accessory shop on Lot 1 can be brought into compliance with the Flathead County Zoning Regulations if an Administrative Conditional Use Permit (ACUP) is obtained in order to have an accessory structure before a principle structure.

VI. CONCLUSION

In accordance with the provisions of Section 4.4 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Planning Board. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to draft Findings of Fact prepared herein, or identified impacts can be mitigated with conditions of approval. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation.

VII. CONDITIONS

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Somers-Lakeside Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b), FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25, FCSR]
4. With the application for final plat, the developer shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
5. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23, FCSR]
6. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20, 4.7.21 FCSR]
7. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]
8. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR]
9. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
10. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road,

either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]

- b. All utilities shall be placed underground. [Section 4.7.23, FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
- 11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
 - 12. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16, FCSR]
 - 13. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13, FCSR]
 - 14. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

- 15. An Administrative Conditional Use Permit must be granted for the subject property to have an accessory structure on the lot prior to a principle structure [Section 5.01.030(6) FCZR]
- 16. The 40'X40' Building Site illustrated on the preliminary plat shall be removed.

RE